

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JENNIFER E. MUELLER,**

Plaintiff,

v.

**HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY,**

Defendant.

Case No. 22-cv-1132-SB

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Stacie Beckerman issued Findings and Recommendation in this case on December 4, 2023. Judge Beckerman evaluated the parties' cross-motions for judgment on the administrative record under Federal Rule of Civil Procedure 52 and recommended that this Court deny Defendant's motion for judgment on the record and grant Plaintiff's motion for judgment on the record. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Beckerman’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge Beckerman’s Findings and Recommendation, ECF 26. The Court GRANTS Plaintiff’s motion for judgment on the record, ECF 18. The Court DENIES Defendant’s motion for judgment on the record, ECF 17. The parties are to submit a proposed form of judgment within 14 days of entry of this Order.

**IT IS SO ORDERED.**

DATED this 27th day of December, 2023.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge